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DEC 27 2005

Applicants: Robert S. Feldstein, Huiling Lian, Christopher A. Rhodes, Gregory S. Shen,
Solomon S. Steiner

Serial No: 10/706,243

Art Unit: 1616

Filed: November 12, 2003

Examiner: George, Konata M.

For: *METHOD FOR DRUG DELIVERY TO THE PULMONARY SYSTEM*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE DOUBLE
PATENTING REJECTIONS OVER TWO ISSUED PATENTS**

Sir:

Petitioner, Mannkind Corp., is the owner of the entire interest in the above-identified application, U.S. Patent No. 6,071,497, issued June 6, 2000, and U.S. Patent No. 6,428,771, issued August 6, 2002, as evidenced by the accompanying Statements Under 37 C.F.R. § 3.73(b). Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173 as shortened by any terminal disclaimer filed prior to the grant of U.S. Patent No. 6,071,497 and U.S. Patent No. 6,428,771, or any continuation thereof under 37 C.F.R. § 1.53(b). Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it, U. S. Patent No. 6,071,497 and U.S. Patent No. 6,428,771 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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PDT 103 CON (3)
078374/00032

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U.S.S.N. 10/706,243
Filed: November 12, 2003
TERMINAL DISCLAIMER TO OBVIATE
DOUBLE PATENTING REJECTIONS
OVER TWO ISSUED PATENTS

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Patent No. 6,071,497 and U.S. Patent No. 6,428,771, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that the granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned (whose title is supplied below) is empowered to act on behalf of MannKind Corporation.

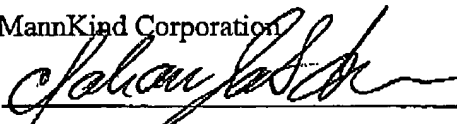
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By: MannKind Corporation

Name:

Title:

Date:


President & COO
12.22.05

PTO/SB/98 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Robert S. Feldstein, Huiling Lian, Christopher Rhodes, Gregory Shen, Solomon S. SteinerApplication No./Patent No.: 10/706,243 Filed/Issue Date: November 12, 2003

Entitled:

MannKind Corporation

(Name of Assignee)

a Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

Robert S. Feldstein, Huiling Lian, Christopher
Rhodes, Gregory Shen, Solomon S. Steiner

1. From: _____ To: Pharmaceutical Discovery Corporation

The document was recorded in the United States Patent and Trademark Office at
Reel 016125, Frame 0541, or for which a copy thereof is attached.

2. From: Pharmaceutical Discovery Corporation To: MannKind Corporation

The document was recorded in the United States Patent and Trademark Office at
Reel 016927, Frame 0163, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Hallan Edstrom

Signature

Hallan Edstrom

Printed or Typed Name

President & COO

Title

12.22.05

Date

661-775-5300

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/06 (09-04)

Approved for use through 07/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Solomon S. Steiner, Robert S. Feldstein, Huijing Lian, Christopher Rhodes, and Gregory S. ShenApplication No./Patent No.: 08/847,352/6,071,497 Filed/Issue Date: April 24, 1997/June 6, 2000

Entitled:

**RECEIVED
CENTRAL FAX CENTER****DEC 27 2005**MannKind Corporation

(Name of Assignee)

a Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

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OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

Solomon S. Steiner, Robert S. Feldstein, Huijing Lian, Christopher Rhodes, and Gregory S. Shen

1. From: _____ To: Pharmaceutical Discovery Corporation

The document was recorded in the United States Patent and Trademark Office at Reel 7548, Frame 0849, or for which a copy thereof is attached.

2. From: Pharmaceutical Discovery Corporation To: Mannkind Corporation

The document was recorded in the United States Patent and Trademark Office at Reel 013920, Frame 0832, or for which a copy thereof is attached.

3. From: _____ To: _____

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☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

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Hallan Edstrom
Signature

Hallan Edstrom
Printed or Typed Name

President & COO
Title

12-22-05
Date

661-775-5300
Telephone Number

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PTO/SB/96 (09-04)

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Solomon S. Steiner, Robert Feldstein, Huijing Lian, Christopher A. Rhodes, and Gregory S. ShenApplication No./Patent No.: 08/441,378/6,428,771 Filed/Issue Date: May 15, 1995/August 6, 2002Entitled: Method for Drug Delivery to the Pulmonary SystemMannKind Corporation a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

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OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:Solomon S. Steiner, Robert Feldstein, Huijing Lian,
Christopher A. Rhodes, and Gregory S. Shen

1. From: _____ To: Pharmaceutical Discovery Corporation
The document was recorded in the United States Patent and Trademark Office at
Reel 007548, Frame 0849, or for which a copy thereof is attached.
2. From: Pharmaceutical Discovery Corporation To: MannKind Corporation
The document was recorded in the United States Patent and Trademark Office at
Reel 013920, Frame 0832, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ Copies of assignments or other documents in the chain of title are attached.
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Hallan Edstrom
Signature
Hallan Edstrom
Printed or Typed Name
President & COO
Title

12-22-05
Date
661-775-5300
Telephone Number

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PDT 103 - 076374/00014

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 Effective on 12/08/2004.
 Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4816).

Approved for use through 07/31/2008, OMB 0651-0032
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
 This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

FEE TRANSMITTAL

For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$65.00)

Complete if Known

Application Number 10/706,243
 Filing Date November 12, 2003
 First Named Inventor Robert S. Feldstein
 Examiner Name Konata M. George
 Art Unit 1616
 Attorney Docket No. PDT 103 CON (3)

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METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):
☒ Deposit Account Deposit Account Number: 50-3129 Deposit Account Name: Pabst Patent Group LLP
 For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims 21 - 21 or HP = 0 x 0.00 = 0.00
 HP = highest number of total claims paid for, if greater than 20
 Indep. Claims 5 - 5 or HP = 0 x 0.00 = 0.00
 HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets - 100 = Extra Sheets / 50 = (round up to a whole number) x Fee (\$)

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Terminal Disclaimer Fee

\$65.00

SUBMITTED BY

Signature *Rivka D. Monheit* Registration No. 48,731 Telephone (404) 879-2152
 Name (Print/Type) Rivka D. Monheit Date December 27, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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